

AMENDMENT AND RESPONSE

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Serial No.: 09/995,262

Filing Date: November 26, 2001

Attorney Docket No. 100.362US01

Title: ADAPTIVE MODULE FOR HOUSINGS

REMARKS

Applicant has reviewed the final Office Action mailed on February 6, 2004 as well as the art cited. Claims 1-38 are pending in this application.

Rejections Under 35 U.S.C. § 112

Claims 16 and 22-24 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 16

Applicant has amended the claim 16 to address the Examiner's rejections under 112. As amended, Claim 16 particularly points out and distinctly claims the subject matter which the Applicant regards as the invention.

Claim 22-24

Claim 22-24 depend from and further define patentably distinct Claim 16 as amended and for at least the reasons stated above, should also be allowed.

Rejections Under 35 U.S.C. § 102

Claims 29-36 and 38 were rejected under 35 USC § 102(e) as being anticipated by Cloonan et al., (U.S. Patent No. 6,449,249).

Claim 29

Applicant has amended Claim 29 to read "wherein the housing is adapted to receive an adaptive module to ... system," to clarify the subject matter being claimed. The Cloonan et al reference does not show an adaptive module. In column 6, lines 36-37 of Cloonan et al reference, modules 430, 435, 440, 445 and 450 are described as RF switching cards. Claim 29 claims an adaptive module such as the adaptive module 104 in Figures 1 and 2 of the current application which is described in paragraph 0012. This is not the RF switching cards 430, 440, 445 and 450 of the Cloonan reference. Since the Cloonan reference does not teach every aspect

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of Claim 29, a rejection under 102(e) is improper. Therefore, the applicant respectfully requests the withdrawal of the rejection of claim 29 under 35 USC § 102.

Claim 30-32

Since, claims 30-32 depend from and further define patentably distinct Claim 29 and for at least the reasons stated above, should also be allowed.

Claim 33

Applicant has amended this claim to correct a typographical error and as a result replaced the word "adaptation" with "adaptive". Applicant traverses the Examiner's assertion that 435, 440, 445 and 450 in Cloonan et al. shows an adaptive module as is claimed in Claim 6 of the present application. In column 6, lines 36-37 of Cloonan et al, modules 430, 435, 440, 445 and 450 is described as RF switching cards. Claim 33 claims an adaptive module such as adaptive module 104 shown in Figures 1 and 2 and described in paragraph 0012 of the application. Since, not every aspect of Claim 33 is taught by the Cloonan et al. reference a rejection under 102 is improper. Therefore, the Applicant respectfully requests the withdrawal of the rejection of Claim 33 under 35 USC § 102.

Claim 34-35

Since, Claims 34-35 depend from and further define patentably distinct claim 33 and for at least the reasons stated above, should also be allowed.

Claim 36

Applicant traverses the rejection of Claim 36. The Cloonan et al. reference which the Examiner relies on for this rejection does not show attaching an adaptive module. 410 and 401 of the Cloonan et al. reference are described as a cable interface cards. Please see column 6 lines 15-21 of the Cloonan et al. reference. The adaptive module 104 as claimed in Claim 36 of the present application is an adaptive module such as is described in paragraph 0012 of the present application. This is not a cable interface card. Since, the Cloonan et al. reference does not teach

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every aspect of Claim 36, a rejection under 102 is improper. Therefore, the applicant respectfully requests the withdrawal of the rejection of Claim 36 under 35 USC § 102.

Claim 37

Since, Claim 37 depends from and further defines patentably distinct Claim 36 and for at least the reasons stated above, should also be allowed.

Claim 38

Applicant has amended this claim to read "a self-contained adaptive module ... system." In Cloonan et al. reference, module 401 that the Examiner asserts in the rejection is described as a spare cable interface circuit card (Column 6, line 15). Claim 38 claims an adaptive module such as the adaptive module shown as 104 in Figures 1 and 2 and described in paragraph 0012 of the application. This is not a spare interface card. Since, not every aspect of Claim 8 is found in the Cloonan et al. reference a rejection under 102 is improper. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 38 under 35 USC § 102.

Rejections Under 35 U.S.C. § 103

Claims 1-5 were rejected under 35 USC § 103(a) as being unpatentable over Cloonan et al., (U.S. Patent No. 6,449,249) in view of Cassanova et al. (U.S. Patent No. 5,031,075).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

Applicant respectfully traverses the Examiner's rejection of Claim 1 under 103. Claim 1 has been amended to further clarify the scope of the claim. As amended Claim 1 includes the element "a card cage attachable to the housing, the housing being a non-redundant cable modem termination system housing." Neither the Cloonan et al. nor the Cassanova et al. reference teach or suggest this element. Figure 4, of the Cloonan et al. reference relates to active and spare

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circuit cards paired with switch cards that are daisy chained with prior and succeeding switches contained in a circuit card cage. Please see Column 5, lines 56-57 and column 6, lines 36-42 of the Cloonan et al. reference. 430, 435, 440, 445 and 450 of the Cloonan et al reference are described as RF switching cards. The Casanova et al. reference relates to a doubled sided logic cage to increase logic card density. Please see column 2, lines 15-19. Since, neither the Cloonan et al. nor the Casanova et al reference suggest or provide motivation to attach a card cage for modifying an existing non-redundant electronic housing to add redundancy to the electronic systems without replacing the existing housing, a rejection of Claim 1 under 103 is improper.

Accordingly, the Applicant respectfully requests the withdrawal of the rejection of Claim 1 under 35 USC § 103(a). Moreover, since Claims 2-5 depend from and further define patentably distinct Claim 1, Applicant respectfully requests the withdrawal of the rejection to Claims 2-5. Since, the Applicant believes Claims 2-5 is allowable for the above reason further response may not be put forth addressing additional rejections to said claim at this time. However, the Applicant retains the right to address any said rejections if further response is required.

Allowable Subject Matter

Claims 6-15, 17-21 and 25-28 were allowed.

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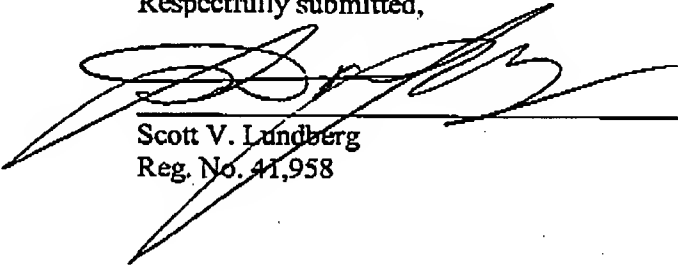
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CONCLUSION

Applicant respectfully submits that claims 1-38 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

Date: 4-6-4

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